

HEINER MAX ET AL.  
USSN 10/021,627  
REPLY TO OFFICE ACTION DATED APRIL 19, 2005  
AMENDMENT OF OCTOBER 19, 2005

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1.-13. (Canceled)

14. (Withdrawn) A method of effecting at least one result selected from the group consisting of preventing damage to DNA intrinsic to skin and repairing existing damage to DNA intrinsic to skin, said method comprising topically applying to skin an effective amount therefor of the cosmetic composition according to claim 19 for a period of time sufficient to effect said at least one result.

15. (Withdrawn) A method of effecting at least one result selected from the group consisting of preventing damage to DNA intrinsic to skin and repairing existing damage to DNA intrinsic to skin, said method comprising topically applying to skin an effective amount therefor of the cosmetic composition according to claim 20 for a period of time sufficient to effect said at least one result.

16. (Withdrawn) A method of effecting at least one result selected from the group consisting of preventing damage to DNA intrinsic to skin and repairing existing damage to DNA

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intrinsic to skin, said method comprising topically applying to skin an effective amount therefor of the cosmetic composition according to claim 21 for a period of time sufficient to effect said at least one result.

17. (Withdrawn) A method of effecting at least one result selected from the group consisting of preventing damage to DNA intrinsic to skin and repairing existing damage to DNA intrinsic to skin, said method comprising topically applying to skin an effective amount therefor of the cosmetic composition according to claim 22 for a period of time sufficient to effect said at least one result.

18. (Withdrawn) A method of effecting at least one result selected from the group consisting of preventing damage to DNA intrinsic to skin and repairing existing damage to DNA intrinsic to skin, said method comprising topically applying to skin an effective amount therefor of the cosmetic composition according to claim 23 for a period of time sufficient to effect said at least one result.

19. (Previously Presented) A cosmetic oil-in-water or water-in-oil preparation for topical application to the skin comprising of:

(a) an oil phase;

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- (b) an aqueous phase;
- (c) folic acid; and
- (d) a complexing agent.

20. (Previously Amended) The cosmetic preparation according to claim 19, wherein the folic acid is present in said cosmetic preparation in a concentration of 0.01-10% by weight based on a total weight of the cosmetic preparation.

21. (Previously Amended) The cosmetic preparation according to claim 19, wherein the folic acid is present in said cosmetic preparation in a concentration of 0.05-5% by weight based on a total weight of the cosmetic preparation.

22. (Previously Amended) The cosmetic preparation according to claim 19, wherein the folic acid is present in said cosmetic preparation in a concentration of 0.1-2% by weight based on a total weight of the cosmetic preparation.

23. (Previously Presented) The cosmetic preparation according to claim 19, wherein said preparation is an emulsion or a hydrodispersion.

24. (Previously Presented) The cosmetic preparation of claim 19, wherein said

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preparation is an emulsion.

25. (Previously Presented) The preparation of claim 24, wherein the complexing agent is a chelating agent.

26. (Currently Amended) The preparation of claim 25, wherein said chelating agent is at least one substance selected from the group consisting of: (1) tartaric acid and anions thereof; (2) citric acid and anions thereof; ~~and~~ (3) aminopolycarboxylic acid and anions thereof; and (4) ethylenediaminetetraacetic acid and anions thereof.

27. (Previously Presented) The preparation of claim 26, wherein the chelating agent is ethylenediaminetetraacetic acid.

28. (Previously Presented) The preparation of claim 25, wherein the chelating agent is present in an amount of from 0.01 to 10% by weight, based on the total weight of the preparation.

29. (Previously Presented) The preparation of claim 25, wherein the chelating agent is present in an amount of from 0.05 to 5% by weight, based on the total weight of the preparation.

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30. (Previously Presented) The preparation of claim 25, wherein the chelating agent is present in an amount of from 0.1 to 2% by weight, based on the total weight of the preparation.

31. (Currently Amended) The preparation of claim 19, wherein:

- (i) the preparation is an emulsion or hydrodispersion;
- (ii) ~~the~~ the folic acid is present in said cosmetic preparation in a concentration of 0.1-2% by weight based on a total weight of the cosmetic preparation;  
and
- (iii) the complexing agent is a chelating agent present in an amount of from 0.1% to 2% by weight, based on the total weight of the preparation.

32. (Previously Presented) The preparation of claim 31, wherein the chelating agent is ethylenediaminetetraacetic acid.

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CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.